



**MINUTES OF THE JANUARY 25, 2022 REGULAR MEETING OF THE
COVINA PLANNING COMMISSION HELD IN THE COUNCIL CHAMBER
OF CITY HALL, 125 EAST COLLEGE STREET AT 7:00 P.M.**

This meeting was conducted utilizing teleconference and electronic means consistent with AB 361 and Government Code Section 54953(e), regarding the COVID-19 pandemic, with the option for members of the Planning Commission and the public to meet in the Council Chamber of City Hall.

CALL TO ORDER

Vice Chairman Susan Zermeno called the Planning Commission to order at 7:00 p.m.

A. PLEDGE OF ALLEGIANCE

Vice Chairman Zermeno led the Pledge of Allegiance.

B. ROLL CALL

Commission Members Present: Hodapp, McMeekin, Manning, Zermeno

Commission Members Absent: Connors

Staff Members Present: Director of Community Development, Senior Planner, Planning Intern, Building Official, Consultant Planner (Interwest), Assistant City Attorney.

PARTICIPANTS/ATTENDEES

Kimberly Dolf (Covina Resident) Sam Howland (Business Owner for Scoops on Tap), Bryan Marascow (Business Owner for Scoops on Tap), & Linda Srack (Glendora Resident)

ZOOM PARTICIPANTS/ATTENDEES

Naomi Howland, EspieG, Lori Huntsman, Ana, Jacki Lam, Lucy Reyes, Lorrain Bueno, Thomas Palmieri, Janet Salmon, Rae

C. AMENDMENTS TO THE AGENDA

None.

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes of the regular meeting of December 14, 2021.

Commissioner Manning made a motion and Commissioner McMeekin seconded to approved the minutes of December 14, 2021

The motion carried 4-0 as follows:

AYES: MANNING, HODAPP, MCMEEKIN, ZERMENO

NOES: NONE

ABSTAIN: NONE

ABSENT: CONNORS

CONTINUED PUBLIC HEARINGS

None.

PUBLIC HEARINGS

1. Application for Conditional Use Permit (CUP) 21-30 and Site Plan Review (SPR) 21-199, to allow on-sale "Type-41" beer and wine license to operate a bona-fide eating establishment for an alcohol-infused ice cream shop (Scoops on Tap) on an 803 square-foot commercial retail space, with a 260 square-foot outdoor seating area, within the town center specific plan (TCSP) Transit Oriented Development (TOD)/High Density Residential (HDR) zone, located at 491 N. Citrus Avenue – APN: 8431-028-039

Staff Recommendation:

Staff recommends that the Planning Commission, by motion, adopt Resolution No. 2022-001 PC, approving Conditional Use Permit (CUP) 21-30 and Site Plan Review (SPR) 21-199, with the attached Conditions of Approval and, in the event, it is necessary, recommend to the City Council, the approval of a resolution adopting a Public Convenience or Necessity (PC or N) affirming the determination.

Planning Intern Joshua Pereira presented the Staff Report and answered the Commissioners questions.

The public hearing was opened.

Sam Howland, Co-Business Owner of Scoops on Tap, commented in favor of the item and offered to answer any questions the Commission may have.

Commissioner Manning asked Sam Howland to clarify whether the alcohol infused ice cream was for flavor or sale tactic.

Sam Howland clarified that both they and Co-Owner Bryan wanted to elevate local craft beers in a new way, and that at times the alcohol is either cooked off, or, if it is not cooked off, the content would be under .5%.

Sam Howland further clarified that they are regulated by the Department of Agriculture in addition to ABC (Alcoholic Beverage Control).

Commissioner Manning asked Sam Howland to explain why there is a necessity to have alcohol sales at this ice cream shop.

Sam Howland responded that the business is first and foremost an ice cream shop, and that they had worked with several local breweries, including Alosta and Arrow Lodge, to work on a new concept for ice cream, and they do not consider themselves a bar.

Commissioner Manning inquired whether the sale is for on or offsite sales.

Sam Howland clarified that the intention is for on-site consumption, and noted that there would be cameras and a manager to monitor and ensure that no one under 21 consume alcohol.

Bryan Marascow, Co-Business Owner of Scoops of Tap, added that they began as a mobile business and made a name for themselves in the brewing community and feel that they have something unique and different.

The public hearing was closed.

Commissioner McMeekin commented that he was very pleased to see someone taking one of the spaces with an interesting niche business.

Commissioner Zermeno commented that this is a very interesting concept, and thanked the business owners for bringing this into town.

Commissioner Manning further asked if there were any comments received by the Police Department.

Community Development Director Brian Lee commented that these types of applications go through the DRC process, which was routed to the Police Department and the Police Department found no issues.

A motion was made by Commissioner McMeekin and seconded by Commissioner Zermeno to approve Resolution 2022-001PC.

AYES: HODAPP, MCMEEKIN, MANNING, ZERMENO

NOES: NONE

ABSTAIN: NONE

ABSENT: CONNORS

10-day appeal period: Actions taken by the Planning Commission that are not recommendations to the City Council will become final after ten (10) calendar days unless a written appeal with the appropriate fee is lodged with the City Clerk's office before close of business on the tenth day.

CONTINUES BUSINESS.

None.

NEW BUSINESS.

1. Study Session on Accessory Dwelling Units (ADU) Proposed Ordinance

Staff Recommendation:

Staff recommends that the Planning Commission provide feedback and receive public comments. No action is required of the Planning Commission.

Senior Planner Mercy Lugo presented the staff report and answered the Commissioners questions.

Commissioner McMeekin requested a clarification on the limit of square feet for ADUs

Senior Planner Mercy Lugo clarified that the 850 square foot cap and 1,000 square foot cap would only apply to detached ADUs. Attached ADUs can only be up to 50% of the primary residence or 1,200 square feet at the most.

Commissioner McMeekin also requested clarification on the High Fire Severity Zone.

Senior Planner Mercy Lugo confirmed that there is a geographical area in Covina that is designated under "High-Fire Severity"

Community Development Director Brian Lee commented that the High Fire Severity Zone is located in the South East portion of Covina near Via Verde.

Commissioner Manning asked for examples of properties that have 2-story ADUs within the 4-foot set back.

Senior Planner Mercy Lugo clarified that the maximum allowable setback for primary dwellings is 25 feet and accessory structures are limited to 15-foot setback. In some cases, garages can be right against the property line. In the past, accessory structures were allowed to be built up to the property line. For ADUs, the requirement is to be set back 4 feet, and that staff has received several complaints from residents regarding privacy issues when two story ADUs have been under construction due to their proximity to the property line.

Commissioner Manning asked if it would be possible to abate the privacy issue if an accessory structure can be built 25 feet away from the property line and if the Planning Division considered these alternatives.

Commissioner Manning added that it seems the main concern is the setback issue, and not the detached garage with regards to the privacy issue.

Community Development Director Brian Lee added that staff will follow this direction.

Commissioner Hodapp asked for clarification under “conversion of the garage to ADU”, if the garage doors are required to be removed or if they are allowed to stay when the conversion does not add more than 150 square feet.

Building Official Robert Fisher clarified that there were about two cases where the garage door was left in place, and there have been creative design decisions such as using them as an additional storage space.

Commissioner Hodapp added that for these types of projects, where garage doors are not required to be removed, there is still a possibility that a second functional garage can be built and a property would appear to have two garages. Hodapp further commented that there should be language that the new windows should match the existing residence, and that he does not see a need for decorative railing; Under “drainage lot requirements”, Hodapp found no issues. Most of the issues found were with regard to design.

Community Development Director Brian Lee commented that all accessory structures (detached non-habitable structure) are capped at 16 feet. If the direction is to allow an ADU on top of an existing structure, that is something that the Planning Division Staff can take into consideration.

Commissioner Manning re-iterated that the 25-foot setback is the main issue to due privacy concerns.

The public hearing was opened.

Thomas Palmieri, (resident of Covina) inquired whether there have been any sewer, water, or fire flow studies, to verify when these units are built, if the existing utilities can handle it, and if staff can consider the two-story ADU infringing on residents’ views of surrounding areas.

Building Official Robert Fisher clarified that the basic approach of the ADU ordinance was to not provide additional due hardship, and that staff requires that applicants provide information on the sewer & energy loads, and that applicants are not required to sprinkler the new buildings, only in cases where the existing building is already sprinklered.

Community Development Director Brian Lee Commented that part of the discussion is that the state of California has required that cities allow ADUs to occur. Part of the consideration is whether what type of structure would be allowed, what type of massing, what number of square feet. There is a high probability of ADUs being allowed in back yards, however, whether or not they can be two-story is still being sorted out through this study session and internally.

Commissioner McMeekin also commented on the issue with parking.

Community Development Director further added that there is an approval mechanism that bypasses planning review to an extent.

Lori Huntsman, Covina resident, commented that her main concern with regards to an application to build an ADU above the garage was to maintain onsite parking on the property. Lori also inquired whether an existing detached garage can have an addition of an ADU attached to that garage.

Community Development Director Brian Lee, based on the scenario, concluded that it may be possible but it would need to comply with setback standards and added that there a few moving parts, and needs a proposal.

Kimberly Dolfi, Covina Resident, asked what the minimum square feet amount is for ADUs, if there is any consideration for parking, and whether there is any sort of approval mechanism to the state.

Community Development Director Brian Lee commented that there is no formal reporting to the state, as far as required on site parking, no city can require additional on-site parking for ADUs.

Kimberly Dolfi inquired whether solar panels are required for ADUs.

Building Official Robert Fisher commented that only detached ADUs require Solar Panels.

Senior Planner Mercy Lugo commented that the minimum allowable square feet for an ADU is 220 Square feet.

Linda Srack, Resident of Glendora, spoke with regards to a neighboring property to a property that they own in Covina, where an ADU is currently being constructed very close to the property line and commented that neighbors should be notified when there is new construction, and was shocked at the size of the 2-story ADU.

Commissioner Zermeno requested clarity from staff, whether notification is required.

Community Development Director Brian Lee commented that this appears to be a flag lot configuration with an access easement, and added that he was not aware of this particular issue.

Senior Planner Mercy Lugo added that the property owner proposed a two-story ADU in the rear area. The first floor is proposed to be a garage with the living unit on the second floor

and noted to the Planning Commission that she confirmed with public works that the property owner located at 611 E Puente would be able to use the access easement on the property.

Zoom caller Lorraine Bueno, inquired whether a property would be able to configure a 1,200 square foot consistent with the State Guidelines, if this would be allowed with a variance.

Community Development Director Brian Lee clarified that this scenario would not be allowed.

Commissioner Zermeno commented that the Staff worked well on the proposed ordinance and seconds Commissioner Hodapp comments concerning the new ADU complementing the primary residence.

Commissioner Hodapp asked if staff can require that any existing appliances in the primary residence be brought up to date.

Building Official Robert Fisher responded that staff can not require appliances in the primary residence be brought up to date, as of the 2016 code cycle. However, if there is construction on the primary dwelling, then it is required.

Community Development Director Brian Lee added that staff will look into whether it would be possible to require appliances be brought up to date at the city level.

Lori Huntsman asked what the next step is after the Study Session.

Community Development Director Brian Lee commented that Staff will take the direction given at this meeting and return the Draft Ordinance as a public hearing item to the Planning Commission.

Janet Salmon requested for clarification for the response requiring homeowners to upgrade efficiency for appliances when applying for an ADU.

Community Development Director clarified that staff does not believe it can be required but will look into it to confirm.

The public hearing was closed.

GENERAL MATTERS

None.

ADMINISTRATIVE ITEMS

None.

ADJOURNMENT

Chairman Connors adjourned the Planning Commission Meeting at 8:43 P.M to the next Planning Commission Meeting scheduled for February 8, 2022 at 7:00 P.M in the Council Chambers of Covina City Hall.



Secretary